**MINUTES - REGULAR MEETING**
**SANTA MARIA CITY COUNCIL**

**CITY HALL COUNCIL CHAMBERS**
**SANTA MARIA, CALIFORNIA**

**SEPTEMBER 6, 2016**

**INVOCATION:**
Pastor Chad Bohi of Cornerstone Church gave the Invocation.

**PLEDGE OF ALLEGIANCE TO THE FLAG:**
Councilmember Zuniga led the Pledge of Allegiance.

**CALL TO ORDER:**
Mayor Patino called the meeting to order at 6:30 p.m.

**ROLL CALL:**
**MEMBERS PRESENT**
Councilmembers Boysen, Orach, Waterfield, Zuniga, and Mayor Patino.

**STAFF MEMBERS PRESENT**
City Manager Haydon, City Attorney Trujillo, Director of Community Development Appel, Police Commander Hansen, Director of Finance Harvey, City Librarian Housel, Director of Public Works Kahn, Interim Fire Chief Kenley, Director of Recreation & Parks Posada, Utilities Manager/Deputy Director Clarin, Deputy City Manager Stilwell, and Chief Deputy City Clerk Garietz.

**1. PROCLAMATIONS/COMMENDATIONS/PRESENTATIONS:**

**A. PROCLAMATION – OVARIAN CANCER AWARENESS MONTH**
Councilmember Zuniga presented a proclamation in honor of "Ovarian Cancer Awareness Month" September 2016. Cristina Martins-Sinco and other Board Members of the Teal Journey Ovarian Cancer Foundation, Lee Ellis and Paula Sousa, accepted the proclamation.

**B. PROCLAMATION – CHILDHOOD CANCER AWARENESS MONTH**
Councilmember Waterfield presented a proclamation in honor of "Childhood Cancer Awareness Month" September 2016. Cassandra Sigala, of Cupcakes Fighting Cancer, accepted the proclamation.

**C. PROCLAMATION – KARLOS BALDERAS DAY**
Mayor Patino presented a proclamation in honor of Karlos Balderas Day. Joyce Howerton, representing Senator Hannah-Beth Jackson's office, also read a proclamation in honor of Karlos Balderas. Olympic Boxer, Karlos Balderas, introduced members of his family and thanked everyone for their support.

**D. PROCLAMATION – JOSH PRENOT DAY**
Mayor Patino presented a proclamation in honor of Josh Prenot Day. Bill and Tammy Prenot, parents of Olympic Swimmer Josh Prenot, accepted the proclamation on his behalf and said they were looking forward to celebrating his return to town at Downtown Fridays on September 9th. Joyce Howerton, representing Senator Hannah-Beth Jackson, also read a proclamation in honor of Josh Prenot and his parents accepted it on his behalf.

**2. PUBLIC COMMENT PERIOD**
Jodi Hudson asked how she could get assistance with various agencies in the City as a victim of domestic violence. City Manager Haydon stated he would speak with Ms. Hudson following Public Comment to help guide her to the appropriate agencies.

Sandra Sigala, representing Cupcakes Fighting Cancer, thanked the City Council for supporting Childhood Cancer Awareness Month.

Diane Lapham expressed concern over car races that have been taking place in the Preisker and Hidden Pines area. Mayor Patino responded that Police Commander Hansen would be contacting Ms. Lapham to help resolve the issue.

Pete Flores, representing One Community Action Coalition, spoke about developing a comprehensive communitywide violence prevention plan.

Mark Rademaker spoke about his concerns for safety in public schools.

Pati Cantu, representing One Community Action Coalition, spoke in favor of a collaboration to end violence in the community and invited everyone to come to Santa Maria High School the next evening to learn more about the group's vision for a new soccer complex.

Rogelio Gonzalez, representing One Community Action Coalition, spoke about the importance of setting a good example for youth in the community.

Mary Jacka, representing LULAC, spoke in admiration of Karlos Balderas and asked that the community work together on issues facing the City.

Helen Galvan, representing the American GI Forum, spoke in appreciation of Karlos Balderas and Josh Prenot and expressed interest in having an additional gym in the City to offer more options to youth.

Brenda Garcia spoke in memory of her nephew, Oscar Joaquin, and of her concern about gang violence over the last year. She requested that a Safety Coordinator position be created in the City.

**3. CONSENT CALENDAR:**
Consent Calendar Items 3A through 3I were approved, on motion by Councilmember Boysen, seconded by Councilmember Zuniga, and carried on the following vote: 5-0

AYES: Councilmembers Boysen, Orach, Waterfield, Zuniga, and Mayor Patino
NOES: None
ABSENT: None
ABSTAIN: None

**A. ORDINANCES**
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

**B. MINUTES**
The Minutes of the Regular Meeting of the City Council of August 16, 2016, were approved as submitted.

**C. ORDINANCE 2016-19 – MORATORIUM ON CANNABIS USE**
The City Council conducted the second reading and adopted Ordinance No. 2016-19 establishing a moratorium on the manufacturing, processing, laboratory testing, labeling, and storing of cannabis.

**Ordinance No. 2016-19 adopted.** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA ESTABLISHING A MORATORIUM ON THE MANUFACTURING, PROCESSING, LABORATORY TESTING, LABELING AND STORING OF CANNABIS, CANNABIS PRODUCTS, AND ALL CANNABIS DERIVATIVES FOR ANY PURPOSE.

**D. WARRANTS**
Warrant Nos. 202360 to 202604 totaling $1,178,022.16 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 201819 and 202215 were cancelled.

**E. PAYROLL**
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

**F. WINDSET FARMS - DEVELOPMENT AGREEMENT FOR PHASE 4**
The City Council conducted the second reading and adopted Ordinance No. 2016-17 approving a Development Agreement with Windset Farms, DA2016-0002, located on the east side of Black Road between the future Sonya Lane and Carmen Lane extensions.

**Ordinance No. 2016-17 adopted.** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT FOR WINDSET FARMS, DA2016-0002, LOCATED ON THE EAST SIDE OF BLACK ROAD BETWEEN THE FUTURE SONYA LANE AND CARMEN LANE EXTENSIONS.

**G. OFFICE OF TRAFFIC SAFETY GRANT**
Resolution No. 2016-117 was adopted authorizing the appropriation of $293,000 to be allocated to the Santa Maria Police Department under the provisions of the Office of Traffic Safety (OTS) Selective Traffic Enforcement Program, Grant PT17120. The grant will allow the Police Department to continue enforcement efforts in critical traffic areas in the City and target traffic factors that lead to fatal and injury collisions.

**Resolution No. 2016-117 adopted.** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROPRIATING FUNDING UNDER THE CALIFORNIA OFFICE OF TRAFFIC SAFETY GRANT PROGRAM #PT17120.

**H. STREET MAINTENANCE/CHIP SEAL CONTRACT**
Resolution No. 2016-118 was adopted approving a contract with VSS International, Inc., for the Street Maintenance (Chip Seal), Bid No. 2016/01 in the amount of $1,070,000.

**Resolution No. 2016-118 adopted.** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A CONTRACT WITH VSS INTERNATIONAL, INC., FOR BID NO. 2016/01, STREET MAINTENANCE (CHIP SEAL).

**I. HERITAGE AT WESTGATE RANCH FINAL SUBDIVISION IMPROVEMENT AGREEMENT**
Resolution No. 2016-119 was adopted approving the Final Map and Subdivision Improvement Agreement for Heritage at Westgate Ranch, Tract 5969, Phases 5 and 6.

**Resolution No. 2016-119 adopted.** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE FINAL MAP AND SUBDIVISION IMPROVEMENT AGREEMENT FOR HERITAGE AT WESTGATE, TRACT 5969, PHASE 5 AND 6.

**PUBLIC HEARING**

**4. GENERAL PLAN LAND USE MAP AMENDMENT AND ZONE CHANGE FOR THE "A" STREET DELICATESSEN, SOUTHWEST CORNER OF WEST BETTERAVIA ROAD AND "A" STREET (GPZ2015-0005)** The City Council considered a recommendation of the Planning Commission to approve: 1) a Negative Declaration for the "A" Street Deli project; 2) a General Plan Land Use Map designation of the 0.5 acre project site **FROM** Light Industrial (LI) **TO** Community Commercial (CC); and 3) introduce an ordinance amending the Zoning Map for the 0.5 acre site **FROM** Planned Development/Light Manufacturing (PD/M-1) **TO** Planned Development/General Commercial (PD/C-2) zone district.

Community Development Director Appel gave a presentation as detailed in the Council Agenda Report. The property is located at the corner of Betteravia and "A" Street. The Planning Commission is currently processing the Planned Development (continued to the September 21st Planning Commission meeting) for a 4,400 square foot retail market that would have access on both Betteravia and "A" Street that would be similar to the owner's current business on South Blosser and West Church. Staff prepared a CEQA Initial Study which concluded there were no significant impacts. A Negative Declaration was circulated. The change in the Land Use and Zoning Designations would be consistent with other uses in the area.

Councilmember Waterfield commented that the current business in operation at Blosser and Church was very nice and she congratulated the applicant on going forward with this project.

It was mentioned that the project is at the perfect location for the area as there are limited eating establishments in the area.

Applicant comments
Brian Tetley, of Urban Planning Concepts, thanked staff on behalf of the applicant and encouraged the Council to approve the project.

Written communications
There were no written communications.

Public Hearing
Mayor Patino opened the public hearing at 7:25 p.m. and, having no requests to speak, closed the public hearing.

Council discussion
There was no Council discussion.

Resolution No. 2016-120 was adopted approving a Negative Declaration for a General Plan Land Use and Zoning Map Amendment at the southwest corner of West Betteravia Road and "A" Street, on motion by Councilmember Waterfield, seconded by Councilmember Orach, and carried on the following vote: 5-0

AYES: Councilmembers Boysen, Orach, Waterfield, Zuniga, and Mayor Patino
NOES: None
ABSENT: None
ABSTAIN: None

**Resolution No. 2016-120 adopted.** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING A NEGATIVE DECLARATION FOR A GENERAL PLAN LAND USE AND ZONING MAP AMENDMENT AT THE SOUTHWEST CORNER OF WEST BETTERAVIA ROAD AND "A" STREET.

Resolution No. 2016-121 was adopted amending the Land Use Policy Map for approximately 0.5 acres, located at the southwest corner of West Betteravia Road and "A" Street , on motion by Councilmember Waterfield, seconded by Councilmember Orach, and carried on the following vote: 5-0

AYES: Councilmembers Boysen, Orach, Waterfield, Zuniga, and Mayor Patino
NOES: None
ABSENT: None
ABSTAIN: None

**Resolution No. 2016-121 adopted**. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING THE LAND USE POLICY MAP FOR APPROXIMATELY 0.5 ACRES, LOCATED AT THE SOUTHWEST CORNER OF WEST BETTERAVIA ROAD AND "A" STREET.

Ordinance No. 2016-20 was introduced for first reading, and continued to the next meeting for second reading and adoption, to amend the official Zoning Map on approximately 0.5 acres, located at the southwest corner of West Betteravia Road and "A" Street, on motion by Councilmember Waterfield, seconded by Councilmember Orach, and carried on the following vote: 5-0

AYES: Councilmembers Boysen, Orach, Waterfield, Zuniga, and Mayor Patino
NOES: None
ABSENT: None
ABSTAIN: None

**Ordinance No. 2016-20 introduced**. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING THE OFFICIAL ZONING MAP ON APPROXIMATELY 0.5 ACRES, LOCATED AT THE SOUTHWEST CORNER OF WEST BETTERAVIA ROAD AND "A" STREET.

**5. SMOKING IN CITY PARKS AND PUBLIC PLACES (CONTINUED FROM AUGUST 16, 2016)**
The City Council considered a recommendation of the Recreation & Parks Commission to adopt an ordinance revising and retitling Santa Maria Municipal Code Chapter 5-7 to prohibit smoking in all areas of City parks and public places.

Director of Recreation & Parks Posada gave a presentation as detailed in the Council Agenda Report. In 2008, the Recreation and Parks Commission had considered a recommendation from staff to create smoking regulations for City parks. Staff initially proposed designating smoking areas in parks; although general support was expressed by members of the public to prohibit smoking in parks altogether. In 2009, the City Council held a public hearing and it was decided to instead support the State regulation banning smoking within 25 feet of a playground.
The issue was reconsidered at a recent Recreation and Parks Commission meeting. Staff once again recommended designated smoking areas in parks. However, the Recreation and Parks Commission decided that the proposed ordinance should ban smoking in "public places" as well as in City parks. This would take into account the Library and City Hall courtyards, parking garages and stairwells. City Rangers would be conducting outreach for several months to educate the community on the new ordinance and would be the main enforcers. An administrative citation of $100 would be issued for a first offense. There would also be a hearing process for anyone protesting the citation.

Councilmember Waterfield asked how a person could call to complain if someone was violating the new regulation.

Recreation and Parks Director Posada responded they would need to call the police business line or dial 911. The phone number could be posted on park signage.

Councilmember Boysen asked if "public places" included sidewalks and if someone smoking in the park would just be able to move to the sidewalk to smoke. He also asked if there were currently

specific complaints regarding smoking in parks, and if the passage of the ordinance would significantly increase the workload for City Rangers.

Recreation and Parks Director Posada responded that sidewalks were not included in the wording of the amended ordinance, only parks, plazas, and parking facilities, so a person could just move to the sidewalk to smoke. He also stated there were no significant documented complaints about smoking but, rather, comments from various non-profits in the County about health and the issues smoking can create. Mr. Posada also said he believed that, with adequate outreach and education on the new smoking prohibition, the City Rangers should not be over-burdened.

Councilmember Orach expressed concern that enforcement could be difficult.

Councilmember Zuniga asked what types of outreach would be done, and asked if the outreach would be as extensive as was done with the fireworks.

Recreation and Parks Director Posada responded that staff would work in collaboration with agencies, such as Santa Barbara County Health, which also has an interest in the health of the community. He indicated that a specific plan for outreach had not been devised yet, but could include announcements in water bills, PSAs, etc.

Written communications
Chief Deputy City Clerk Garietz indicated that one written communication had been received in support of the ordinance from Senator Hannah-Beth Jackson. Copies of the letter had been distributed to each Councilmember with their agenda binders. One email had also been distributed to the City Council with the following link pertaining to health hazards from smoking e-cigarettes: http://www.msn.com/en-us/health/medical/8-silent-ways-e-cigarettes-harm-your-body/ss-BBvXI79?fullscreen=true&li=BBnb7Kz#image=9

Public Hearing
Mayor Patino opened the public hearing at 7:41 p.m.

Edwin Weaver, representing Fighting Back Santa Maria Valley, spoke in favor of the ordinance and stated several of his contacts also supported smoke-free parks.

Andrea Alonzo and Yeimi Baez, both representing Fighting Back Santa Maria Valley Youth Group, spoke in support of the ordinance saying the park should be kept safe and clean for children who use the park.

Sister Janet Corcoran spoke in favor of the ordinance, citing health issues her father had had due to smoking and the health benefits the ban would bring to everyone who goes to a park.

Katie Torres, representing First 5 Santa Barbara County, spoke in favor of the ordinance.

Hearing no more requests to speak, the Mayor closed the public hearing at 7:50 p.m.

Council discussion
Mayor Patino commented that she agreed that peoples' health should be protected first and foremost in City parks. She also proposed possibly offering smoking permits similar to permits currently distributed for alcohol use.

Councilmember Zuniga commented that her husband was a lifelong smoker and that she had been on the Recreation and Parks Commission when the issue was first brought forward. One difference she cited between this evening and the first time the ordinance was proposed was that there was no opposition this evening. She stated she believed that the Council should make all decisions based on what is best for the community and she would support the ordinance.

Councilmember Boysen commented that enforcement would be complaint driven, and he did not believe that enforcement would be a significant issue for City Rangers. He also pointed out that most smokers do not expect to have the right to smoke and tend to smoke out of the way of others.

Ordinance No. 2016-21 was introduced for first reading, and continued to the next meeting for second reading and adoption, amending Chapter 5-7, Smoking Control Ordinance, of the Santa Maria Municipal Code, on motion by Councilmember Boysen, seconded by Councilmember Orach, and carried on the following vote: 5-0

AYES: Councilmembers Boysen, Orach, Waterfield, Zuniga, and Mayor Patino
NOES: None
ABSENT: None
ABSTAIN: None

**Ordinance No. 2016-21 introduced.** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING THE TOBACCO CONTROL ORDINANCE, SANTA MARIA MUNICIPAL CODE CHAPTER 5-7.

**REPORT BY CITY MANAGER:**
City Manager Haydon reported the next meeting would be September 20, 2016, and would include the second reading of the Betteravia and "A" Street Zone Change; the second reading of the smoking control ordinance; a no-stopping zone on Centerpointe Parkway; a no-stopping zone at Stokes Avenue; a review of the Cannabis Urgency Ordinance; and the Casa Buena General Plan Zone Change.

**ORAL REPORTS OF COUNCILMEMBERS AND OFFICERS (INCLUDING AB1234 REPORTS):**
Councilmember Zuniga reported that she attended a meeting with Ed Carcarey, President of the Chamber Board; the Community Action Planning Committee Meeting; a Future Leaders Fundraiser at Cottonwood Winery; the Downtown Friday event honoring Karlos Balderas; the Serve Santa Maria Event; the Pastor Appreciation Dinner at New Hope Baptist Church; a Ministerial Meeting at the Foursquare Church; the City's required Sexual Harassment Prevention Workshop; and the Candidate/City Department Head Informational Meeting.

Councilmember Waterfield did not make a report.

Councilmember Orach reported that he attended the City's required Sexual Harassment Prevention Workshop and had been on vacation for a week.

Councilmember Boysen reported that he attended an Investment Oversight Committee Meeting and would be participating in negotiations for Table A State Water on September 20th. He also asked when the funding for the Outreach Coordinator position would be allocated.

City Manager Haydon responded that Council had originally authorized funding for a part-time position in the current year's budget. However, during personnel changes in July, staff came back with a recommendation that it be a full-time position. Council authorized that change and expressed a desire for staff to enter into discussions with the County of Santa Barbara to explore collaboration opportunities. Staff have been in discussion with Supervisor Lavagnino for a couple of weeks. Mr. Haydon stated it is likely that the County and the City will both be filling a position and the two will be working in collaboration on a Youth Safety Task Force. Staff should be able to bring the item back to Council in the near future.

Mayor Patino reported that she attended the Downtown Friday Celebration for Karlos Balderas; the APCD Board of Directors Meeting; the SBCAG Board Meeting; Serve Santa Maria; the Victory Outreach Church 20th Anniversary; the City's Sexual Harassment Prevention Training; the Candidate/City Department Head Informational Meeting; Back to School Night; met with Pete Flores of One Community Action; attended a meeting with the Airport District; and attended a meeting with California Cities Violence Prevention Network.

**ADJOURNMENT:**
There being no further business before the City Council, Mayor Patino declared the City Council meeting adjourned at 8:07 p.m.

APPROVED:

September 20, 2016
Date

Rhonda M. Garietz, CMC
Chief Deputy City Clerk and ex officio Clerk of the City Council

ATTEST

Rhonda M. Garietz, CMC
Chief Deputy City Clerk

Alice M. Patino
Mayor of the City of Santa Maria